

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERKS OFFICE

JOSEPH PETER SCHMITT, pro se,
Plaintiff,

2006 MAY -1 P 1:38

CIVIL ACTION NOS.

v.

~~CARTER THOMAS, et al.,~~
DEPT. OF CORRECTION, et al.,
~~DEPT. OF CORRECTION, et al.,~~
Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS

~~05-10571-RWZ~~

05-10573-RWZ

~~05-12590-RWZ~~

PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

Now comes the pro se Plaintiff, Joseph Peter Schmitt, in the above antitled action and moves for appointment of counsel.

As grounds thereof, Plaintiff states the following:

1. Plaintiff has several cases before this court and anticipates the defendants, and/or this Honorable Court, on its own motion to move to consolidate the actions against Plaintiff's wishes.
2. Plaintiff is at his limits of his knowledge of the law and can not prosecute the above action without the assistance of a real attorney of the Commonwealth.
3. Plaintiff does not know the facts of law he must prove to win and prosecute his claims beyond the point he is at at this time.
4. Plaintiff's complaint(s) have many issues that will create an unmanagable confusion for him during a trial, and very likely during pre-trial hearings.
5. Plaintiff admits that he is not entitle to counsel by law. However, he is entitled to equal protection of the law pursuant to the Massachusetts Bill of Rights and the United States Constitution. Plaintiff would be essentially denied meaningful access to the courts and protection of the law if he is forced to prosecute his action(s) pro se.
6. Plaintiff brings to this Honorable Court's attention that while prosecuting two prior civil rights cases 04-10451-RWZ and 04-10717-RWZ his inexperience, and unprofessional common courtesy

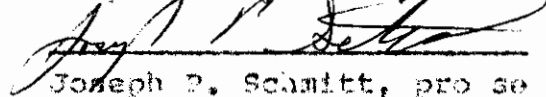
from defense counsel, cost him the loss of two defendants, whom, if the Plaintiff had counsel and/or more experience, would have been found liable by the Jury and the Plaintiff likely would have received more damages from said Jury.

WHEREFORE, Plaintiff prays this Honorable Court GRANT the above motion and contact the law firm POPPE & GRAY, LLP 91 INTERNATIONAL PLACE, BOSTON, MASSACHUSETTS 02110, and obtain pro bono counsel for him.

FURTHERMORE, Plaintiff states that with the appointment of counsel, this case could then be consolidated with Plaintiff's other similar cases before this Honorable Court and it would save Judicial time and finances for all concerned while dispensing fair and equal justice for all parties concerned.

Dated: April 25, 2006

Respectfully Filed,



Joseph P. Schmitt, pro se
Plaintiff

Wenansket Correctional Facility
39 Administration Road
Bridgewater, Massachusetts
02324-3230

CERTIFICATE OF SERVICE

I, Joseph P. Schmitt, hereby certify that a true copy of the above motion was served upon the Ma. Department of Correction Legal Division by pre paid first class mail on or about April 25, 2006



Joseph P. Schmitt, pro se